

REMARKS

I. Amendments to the Claims:

Claims 1-7, 9-11, 47-50 and 52 are pending in the instant application.

Claims 1, 2, 6, 7, and 9 were amended. Support for the amendments can be found in the original claims and throughout the specification. No new matter has been added.

II. Claim Rejections - 35 U.S.C. § 112 - First and Second Paragraph

A. Claims 1-13 and 47-51 stand rejected under 35 U.S.C. § 112, first and second paragraph, for being indefinite and failing to comply with written description and enablement requirement. Applicant respectfully traverses the rejection. Applicants submit that one of ordinary skill in the art would be aware of the techniques needed to derivatize a compound of formula (I), for example, an ester or amide. In addition, using the assays as described in the application, the skilled artisan would have no undue burden to determine the activity of such derivatives. To expedite the prosecution of the application, however, Applicants have amended claim 1 and removed the wording “and other pharmaceutically acceptable biohydrolyzable derivatives thereof, selected from the group comprising esters, amides, carbamates, carbonates, ureides, solvates, hydrates, affinity reagents and prodrugs.” Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 112 rejections of claims 1-13 and 47-51.

B. Claims 12-13 and 51 stand rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with written description and enablement requirement. Applicant respectfully traverses the rejection. However, to expedite the prosecution of the application, Applicants cancelled claims 12-13 and 51. Applicants thus respectfully request a withdrawal of this rejection.

III. Claim Rejections - 35 U.S.C. § 102(a)

Claim 1 stands rejected under 35 U.S.C. § 102(a) for being anticipated by Oballa et al. (WO2001049288). The Office Action points to one specific compound as shown in CAS Document No. 135:107148 and claims the compound falls under the scope of formula (I) as defined in claim 1. Applicants respectfully submit that claim 1 already recites the following proviso:

“with the proviso that when R is phenyl substituted with branched C₆-alkyl (-CH(CH₂-CH(CH₃)(CH₃))-CH₂-) incorporating two insertions -(CO)-and-NH-, the C₆-alkyl group is not substituted with -CN.”

Note that the above proviso excludes the specific compound recited in the Office Action. Accordingly, Applicants respectfully request a withdrawal of this rejection.

IV. Claim Rejections - 35 U.S.C. § 102(e)

Claim 1 stands rejected under 35 U.S.C. § 102(e) for being anticipated by Oballa et al. (WO2001049288). As discussed above, claim 1 recites a proviso that excludes the specific compound recited in the Office Action. Therefore, Applicants respectfully request a withdrawal of this rejection.

Claims 1-4, 6-7 and 47, 49-50 stand rejected under 35 U.S.C. § 102 (e) as being anticipated by Inomata et al. (US 6,642,375). The Office Action points to three compounds allegedly anticipating the claims of the present application. Applicants respectfully submit that the structures of the three compounds as shown in the CAS abstract are not disclosed by Inomata et al. and the CAS abstract relied upon by the Office Action is apparently incorrect. Contrary to Office Action's allegation, Inomata et al. does not disclose any compounds that would anticipate compounds of formula (I) as claimed in the application.

All compounds disclosed in Inomata et al. (including the three compounds appearing in Col. 33, line 7; Col. 33, line 65; and Col. 41, lines 65-66) contain two methyl groups substituted at the C(3) position of the 7-azaindole core structure. Note that the three compounds refer to Compound 4, Compound 9, and Compound 18, each of which corresponds to X-4, X-9 and X-18 respectively (see Col. 21 and 23; Col. 31, lines 10-14). In contrast, the compound of formula (I) does not have any substitution at the C(3) position. Furthermore, the compounds disclosed in Inomata et al. differ from the claimed compounds by the fact that the 5-membered ring that is fused to the pyridine ring as disclosed in Inomata et al. is not aromatic, while the 5-membered ring in the core of the claimed compounds is aromatic. Accordingly, Inomata et al. does not anticipate the compounds as claimed in the present application. Applicants respectfully request a withdrawal of this rejection.

V. Claim Rejections - 35 U.S.C. § 103

Claims 1-13 and 47-51 stand rejected under 35 U.S.C. § 103(a) as being obvious over Inomata et al. To establish a prima facie case of obviousness, there must be some suggestion or motivation to combine reference teachings. MPEP 2142. Additionally, there must be a reasonable expectation of success to establish a prima facie case of obviousness. MPEP 2142.

As discussed above, the compounds disclosed in Inomata et al. are very different from the claimed compounds structurally. Furthermore, Inomata et al. discloses fluorescent substances, while the present application describes JNK kinase inhibitors that are useful for treating neurodegenerative disorders. In fact, there is no mention of any disease, disorder or treatment of any sort in Inomata et al.

Applicants respectfully submit that Inomata et al. does not teach or even suggest the structures of the compounds as defined in the claims, nor does it teach or even suggest that the compounds of the present invention are useful as Jun kinase inhibitors. Accordingly, Applicants respectfully request a withdrawal of the 35 U.S.C. § 103(a) rejection.

VI. Conclusion:


Applicant believes that the pending claims are in condition for allowance. Accordingly, Applicant respectfully requests that the Examiner issue a timely Notice of Allowance.

No fee is believed to be due in connection with this correspondence. If any additional fees are due, however, please charge such fee to our Deposit Account No. 08-0219.

The Examiner is invited to telephone the undersigned at the telephone number given below in order to expedite the prosecution of the Application.

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Respectfully submitted,



Henry H. Gu
Reg. No. 55,227

WILMER CUTLER PICKERING HALE AND DORR LLP
60 State Street
Boston, MA 02109
Tel.: (617) 526-6652
Fax: (617) 526-5000